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LAW OFFICES OF NADIA FARAH
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FREMONT, CA 94538
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Counsel for Petitioner
ABDUL RASOOL HAMIDI

E-filing

FILED
08 JUN -6 PM 2:06
RICHARD W. HENNING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PJH

ABDUL RASOOL HAMIDI

Civil Action No.:

Petitioner

Agency No.: A27 386 147

v.

CV 08 2839

Michael CHERTOFF, in his Official Capacity,
Secretary, United States Department of
Homeland Security; MICHAEL B. MUKASEY, in
His Official Capacity, Acting Attorney General,
U.S. Department Of Justice; David N. STILL, in his
Official Capacity, District Director, United States
Citizenship and Immigration Services; Emelio
GONZALEZ, in his Official Capacity, Director,
Bureau of Citizenship and Immigration Services

DECLARATION OF
ABDUL RASOOL HAMIDI
SUPPORT OF WRIT OF
MANDAMUS

[Handwritten signature]

Defendants

//

DECLARATION OF ABDUL RASOOL HAMIDI:

- 1) I am a native and citizen of Afghanistan. I became a legal permanent resident on January 21, 1986. (Please see Exhibit "A"). At that time I was told that four years and nine months later, I was eligible to apply for naturalization.
- 2) On September 23, 2005, I filed an application for naturalization with the U.S. Citizenship and Immigration Services because I desired to participate in the democratic process of the United States. (Please see Exhibit "B")

- 3) I was interviewed on April 3, 2006 (please see Exhibit "C") At that time I was told that I had passed my English and History tests, that additional documentation had to be submitted within 30 days and also that the background name check had not been completed on my file.
- 4) I was told after they receive the documents, the only remaining process was to get a name check clearance and once that is done, I will be notified of the time for attending the oath ceremony.
- 5) Since May 2006, when all documents had been submitted, I have inquired numerous times with USCIS and to-date, I have not received notice of the completion of the process.
- 6) In February 2007, I submitted a letter to Congressman Pete Stark asking for his assistance in following up on my citizenship case.
- 7) I received two correspondence from him, dated March 5, 2007 and March 8, 2007, in which he informed me that my case was pending the background check. (Please see attached Exhibit "D")
- 8) Approximately five months ago, I made an appointment with USCIS through their INFOPASS system to obtain information about my case and was told that it was pending background check.
- 9) I have lost many opportunities socially and within my family. The background check has now even prevented me from traveling outside the United States easily.
- 10) I have not had the protection of U.S. citizenship and have been deprived of traveling to many countries.

- 11) Recently, during my trip to Afghanistan, I became married, but unfortunately due to the fact that I am not a citizen of the United States, she cannot come live with me, since USCIS is now processing cases filed in 2003. My wife will have to wait at least five years before she can come join me in the United States.
- 12) I have a misdemeanor battery conviction which occurred in 1994 and since then I have not been convicted of any crime. I am not in violation of the law or any matter that would delay my name check.
- 13) I was unable to participate in the 2006 voting process, guaranteed by the bill of rights and I believe I will not be able to participate in the Election process this year (2008).
- 14) I wish to be a citizen of the United States.

Executed this 30th day of May 2008 at Fremont, California.

A handwritten signature in black ink, appearing to read 'Rasool', is written over a horizontal line.

ABDUL RASOOL HAMIDI, DECLARANT

PROOF OF SERVICE

On this day, June 5, 2008, I served copies of the foregoing: DECLARATION OF
ABDUL RASOOL HAMID IN SUPPORT OF WRIT OF MANDAMUS on the
following in the manner indicated:

United States Attorney
United States Attorney's Office
Civil Division, Immigration Unit
450 Golden Gate Avenue, 11th floor
San Francisco, CA 94102

Via Certified Mail

David N. Still
District Director
U.S. Citizenship and Immigration Services
San Francisco District Office
630 Sansome Street
San Francisco, Ca 94111

Via Certified Mail

Emelio T. Gonzalez
Director
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W.
Washington, D.C. 20529

Via Certified Mail

Michael Chertoff
Secretary of Department of Homeland Security
U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W.
Washington, D.C. 20529

Via Certified Mail

Michael B. Mukasey, Attorney General
Attorney General, U.S. Department of Justice
Department of Justice, Room B-103
950 Pennsylvania Avenue
Washington, D.C. 20530-0001

Via Certified Mail

I declare under the penalty of perjury under the laws of the United States of America and
the State of California that the above is true and correct.

June 5, 2008
Fremont, California



EXHIBIT “A”



ALIEN REGISTRATION RECEIPT CARD
PERSON IDENTIFIED BY THIS CARD IS ENTITLED TO RESIDE PERMANENTLY AND WORK IN THE U.S.

27386147	11	31	455	632	79839
A NUMBER	ISS/T	CK	M 1	M 2	PARITY 1

7143	12507	99703	41954	63347
PBD	IDW 1	IDW 2	IDW 3	PARITY 2

012186	236	149	08530	9344998
ADM/ADJ DATE	COB	ISS CODE	SOUNDEX	PARITY 3

BUREAU OF ENROLLMENT AND REGISTRATION
FORM I-551 JAN. 77

EXHIBIT “B”

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797C, Notice of Action



Receipt with Exception			NOTICE DATE October 17, 2005
CASE TYPE N400 Application For Naturalization			INS A# A 027 386 147
APPLICATION NUMBER WSC*001389449	RECEIVED DATE September 23, 2005	PRIORITY DATE September 23, 2005	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS
ABDUL RASOOL HAMIDI
330 N CIVIC DR 406
WALNUT CREEK CA 94596

PAYMENT INFORMATION:

Single Application Fee: \$390.00
Total Amount Received: \$390.00
Total Balance Due: \$0.00

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The above application has been received by our office and is in process, but has been noted with one or more of the following exception(s):

Missing Evidence(s) - your application was missing evidence(s) that you will need to provide at the time of your naturalization interview. You will be notified under separate notice of the necessary evidence(s) that you will be required to bring to your interview. Do not submit any evidence(s) by mail.

Our records indicate your personal information is as follows:

Date of Birth: July 03, 1954
Address Where You Live: 330 N CIVIC DR 406
WALNUT CREEK CA 94596

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 460 days of this notice.

IMPORTANT NOTICE:

All naturalization applicants who were between the ages of 14-75 at the time of filing must have their fingerprints taken at an INS Application Support Center (ASC) so they can be submitted to the Federal Bureau of Investigation for a criminal history check. If we received your application without a fingerprint card (FD-258), or your fingerprint card was received on or after December 3, 1997, you will need to go to an ASC to be fingerprinted. Do not have your fingerprints taken anywhere else. You will receive a notice that will provide you with information about when and where to go to have your fingerprints taken, and what you will need to bring with you. Please inform the office listed below immediately of any address changes.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address:

US IMMIGRATION AND NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P.O BOX 10400
LAGUNA NIGUEL CA 92607-

INS Customer Service Number:

(800) 375-5283

APPLICANT COPY



WSC001491281

EXHIBIT "C"

Department of Homeland Security
U.S. Citizenship and Immigration Services

N-652, Naturalization Interview Results

A#:

On APR - 3 2006, you were interviewed by USCIS officer RUS



- ☒ You passed the tests of English and U.S. history and government.
- ☐ You passed the tests of U.S. history and government and the English language requirement was waived.
- ☐ USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to _____ speak/_____ read/_____ write _____ English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☒ Please follow the instructions on Form N-14.
- ☐ USCIS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your _____ English ability/ _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.

A) **Congratulations! Your application has been recommended for approval.** At this time it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) **A decision cannot yet be made about your application.**

It is very important that you:

- ☒ Notify USCIS if you change your address
- ☒ Come to any scheduled interview.
- ☒ Submit all requested documents.
- ☒ Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#), and a copy of this paper.
- ☒ Go to any Oath Ceremony that you are scheduled to attend.
- ☒ Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.

NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS had not made a determination on your application within 120 days of the date of your examination.

EXHIBIT “D”

COMMITTEE ON
WAYS AND MEANS

JOINT COMMITTEE
ON TAXATION

WWW.HOUSE.GOV/STARK

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

239 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5065

39300 CIVIC CENTER DRIVE, SUITE 220
FREMONT, CA 94538
(510) 494-1388

PETEMAIL@MAIL.HOUSE.GOV

March 8, 2007

Abdul Rasool Hamidi
34539 Heathrow Terrace
Fremont, CA 94555

Dear Mr. Hamidi:

Ref: WASC*001389449

In reply to my inquiry on your behalf, the Citizenship and Immigration Services has informed me that your case is pending resolution of the background check. A final decision cannot be made on any application until all national security checks are complete. Various authorities in Washington DC are involved and there is no estimated processing time for completion of this action.

I understand that this may be discouraging, but processing cannot resume until all security clearances have been resolved. If you have not received correspondence from CIS by August, please contact my district office and I will make a follow-up inquiry.

Sincerely,



Pete Stark
Member of Congress

FHS/iai

775 361 7076

FORTNEY PETE STARK
13TH DISTRICT, CALIFORNIA

COMMITTEE ON
WAYS AND MEANS
JOINT COMMITTEE
ON TAXATION

WWW.HOUSE.GOV/STARK

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

239 CANNON HOUSE OFFICE BUILDING
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(202) 225-5065

39300 CIVIC CENTER DRIVE, SUITE 220
FREMONT, CA 94538
(510) 494-1388

PETEMAIL@MAIL.HOUSE.GOV

March 5, 2007

Abdul Rasool Hamidi
34539 Heathrow Terrace
Fremont, CA 94555

Dear Mr. Hamidi:

Ref: WASC*001389449

Thank you for contacting me for assistance.

I have given the information you provided to the appropriate authority. They are aware of my interest in the case, and I'll let you know as soon as I receive a reply. If I have not received a response after thirty (30) days, I will make a follow-up inquiry on your behalf.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Stark", written in a cursive style.

Pete Stark
Member of Congress

FHS/cam

EXHIBIT “E”

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[Back](#)

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